



January 27, 2012

**Submitted Electronically**

Council on Environmental Quality  
ATTN: Horst Greczmiel  
Associate Director for NEPA Oversight  
722 Jackson Place, NW  
Washington, DC 20503

Subject: Comments on Draft Guidance on Improving the Process for Preparing Efficient and Timely Environmental Reviews under the National Environmental Policy Act

Dear Mr. Greczmiel:

Airlines for America ("A4A"), formerly the Air Transport Association of America, Inc., appreciates this opportunity to comment on the Council on Environmental Quality (CEQ) draft guidance, "Improving the Process for Preparing Efficient and Timely Environmental Reviews under the National Environmental Policy Act." 76 Fed. Reg. 77,492 (Dec. 13, 2011). A4A is the principal trade and service organization of the U.S. airline industry. Our member airlines and their affiliates<sup>1</sup> provide a tremendous contribution to the national economy, transporting more than 90 percent of all U.S. airline passenger and cargo traffic. A4A frequently comments on regulatory activities that affect the airline industry and the safety and efficiency of air travel in the United States.

A4A supports CEQ's ongoing efforts to further clarify the regulations, processes and procedures for implementing the National Environmental Policy Act (NEPA). While certainly supporting the aims of NEPA and the important role that NEPA review plays in federal approvals for projects, it has been the experience of A4A and its members that the implementation of NEPA has been uneven and, in many cases, overly and unnecessarily burdensome and time consuming. Up until recently, much of the focus on the potential for NEPA review to unduly delay an aviation-related project has been on runway approvals.<sup>2</sup> As recognized by both the Office of Inspector General of the U.S. Department of Transportation (DOT) and the Government Accountability Office (GAO), NEPA reviews also are posing particular challenges in projects regarding airspace redesign and implementation of new flight procedures intended to take advantage of advances in air traffic management tools and aircraft technology. As the Inspector General found, "environmental impact statements, required for new flight procedures that maximize benefits, can take up to 8 years to complete."<sup>3</sup>

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<sup>1</sup> A4A's members are: AirTran Airways, Alaska Airlines, American Airlines, ASTAR Air Cargo, Atlas Air, Delta Air Lines, Evergreen International Airlines, Federal Express Corporation, Hawaiian Airlines, JetBlue Airways, Southwest Airlines, United Continental Holdings, UPS Airlines, and US Airways; Air Canada is an associate member.

<sup>2</sup> See, e.g., GAO, *Aviation Infrastructure: Challenges Related to Building Runways and Actions to Address Them*, at 12-13 (2003).

<sup>3</sup> Letter to Representatives Oberstar, Costello, Mica and Petri from Calvin L. Scovel III, DOT Inspector General, at 7 (Dec. 21, 2010).

A4A and its members believe that Congress and the Administration should be guided by a National Airline Policy that will treat America's airlines like the global businesses they are and enable them to operate as such. An indispensable element of such a policy is the modernization of the U.S. air traffic management system, the Next Generation Air Transportation System (NextGen). Unnecessary delay or obstruction of NextGen processes, procedures and/or infrastructure, occasioned by an uneven and unduly burdensome approach to NEPA, is bad for air traffic management, imposes unnecessary costs and compromises the economic and environmental benefits that can come from a modernized system. Notably, projections of fuel consumption and greenhouse gas (GHG) emissions reductions from full NextGen implementation are impressive, ranging from 6 percent to 15 percent.

By definition, developing a useful flight path requires a change in the airspace around an airport, and any material change is generally subject to some level of NEPA review, even in those cases where the new flight path will result in environmental improvements. As the GAO recognized,

Because NEPA does not allow consideration of the net impact of an action such as the introduction of new procedures or broader airspace redesign—which may increase noise in some areas but increase capacity at an airport and reduce noise and emissions overall—these actions can often result in extensive and time-consuming reviews.<sup>4</sup>

One way to address this is for more Required Area Navigation and Required Navigation Performance (RNP/RNAV) procedures to be covered by Categorical Exclusions (CATEX). A4A has been working with the Federal Aviation Administration (FAA) on this. We are also pleased that section 213 of H.R. 658 directs the FAA to conduct expedited environmental reviews to accelerate the implementation of performance-based navigation (PBN) procedures, and that certified PBN procedures are presumed to be covered by a CATEX, especially in those instances where environmental improvement can be demonstrated. Further, President Obama's decision to make the Houston metroplex a pilot project for more efficient implementation of NEPA is a tangible and important step in the right direction.

Given that the implementation of NEPA is up to the individual agencies, we strongly support CEQ's efforts to encourage efficiency and streamlining in the implementation process. Accordingly, we support the draft guidance CEQ has proposed on improving the NEPA process. However, the guidance alone will not address the challenges and problems associated with NEPA implementation in the context of NextGen, particularly given that it basically restates and emphasizes what already is expected in terms of agency implementation. Accordingly, A4A continues to work with FAA as it considers tools, training and other means of data-based streamlining. And we urge the CEQ to continue promoting streamlining consistent with the draft guidance and the other tools at CEQ's disposal.

Thank you for your consideration.

Sincerely yours,



Nancy N. Young  
Vice President, Environmental Affairs

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<sup>4</sup> GAO, *Next Generation Air Transportation System: FAA Faces Challenges in Responding to Task Force Recommendation*, at 6-7 (Oct. 28, 2009).